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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,296	12/21/2001	Zhanjun Gao	83662MGB	1348

7590

12/17/2003

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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

48

Office Action Summary	Application No.	Applicant(s)	
	10/027,296	GAO ET AL.	
	Examiner	Art Unit	
	Isaac N Hamilton	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 6 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group 1, claims 1-3, 5-7 and 9-19 in Paper No. 09 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings were received on 06-18-2003. These drawings are acceptable.

Specification

3. The objections to the specification in paragraphs 3, 4 and 5 of Paper No. 05 are hereby withdrawn.

The amendment filed 06-18-03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 2a; page 7, line 13 of the specification; page 8, line 30 of the specification. The second cutter having a crack initiator was not properly supported in the original specification in order to enable proper examination of the claims 4 and 8. The objection to the drawings under 37 CFR 1.83(a) will again be applied if the new matter is removed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

4. Claims 6 and 19 are objected to because of the following informalities: in claim 6, line 3, “of from” should be changed to --of--; in claim 19 the proper Markush format should be used. The list of materials should be listed as follows: --polyethylene, polypropylene, polystyrene, a blend thereof and a copolymer thereof--. Appropriate correction is required. All other objections are hereby withdrawn.

Claim Rejections - 35 USC § 112

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, “disengaged” describes the action of the first crack initiator improperly. The crack initiator is formed as one piece with the first cutter base and cannot be disengaged unless both the initiator and the base are withdrawn simultaneously. For purposes of examination, “disengaged” is interpreted as the first crack initiator being pushed into the web structure.

All other rejections made under 35 USC 112 in Paper No. 05 are hereby withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Buttress (2,712,169).

Regarding claim 1, note the method of cutting a laminated web structure; first side b; first crack initiator g; high rake angle juxtaposed between lead lines of h and g in figure 3; first cutter base juxtaposed between lead lines of h and j in figure 3; support web a; upper layer b; second side c; second cutter f; first crack, engaging laminated web with cutter base and further propagating the first crack while disengaging the first crack initiator in figures 5 and 10.

Regarding claim 2, note crack in second side c in figure 5.

Regarding claim 3, note generating second crack and intersection of first crack and second crack in figures 4 and 5.

Regarding claim 4, note second crack initiator f.

Regarding claim 5, note in figure 4 that the height of the first crack initiator is greater than a thickness of layer b. It is inherent that the height of the first crack initiator is greater than 5 microns due to the fact that the apparatus shown in figure 1 shows a handle 35, which is to be used by a human hand. If the height of the first crack initiator was smaller than 5 microns, the machine would not be capable of human operation.

Regarding claims 6 and 8, note in figure 4 the rake angle is in the range of 45 to 70 degrees.

Regarding claim 7, note in figure 4, there are several places that one can measure an angle for the low rake angle so that it is 15 degrees less than the high rake angle.

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Regarding claims 9 and 10, note that the relief angle of the first crack initiator is not more than 30 degrees as shown in figure 4. It is noted that the relief angle of the first crack initiator is measured on the right side of blade g. All of the above rejected claims pertaining to the rake angle pertain to the left side of the blade g. It is further noted that the relief angle of the first crack initiator is not more than 30 degrees because it is a negative degree relief angle. The rejection of the first crack initiator is the same for the first cutter base.

Regarding claims 11, 12 and 13, note curved edges of cutter base and first crack initiator in figure 4.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttress in view of Novak et al (4,092,173), hereafter Novak. Buttress discloses everything as noted above, but does an imaging element. However, Buttress teaches an imaging element in column 1, lines 14-17. It would have been obvious to provide an additional layer in Buttress as taught by Novak to increase the possible uses and value of the laminated web. Note that the cutting of imaging elements in column 6, lines 10-20.

Regarding claim 14, note one additional layer in column 2, lines 23-26.

Regarding claim 15, note protective layer in column 2, lines 37-44.

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Regarding claim 16, note polymeric material in column 2, lines 47-48.

Regarding claim 17, note coating in column 7, lines 47-50.

Regarding claim 18, note that a separate web is laminated onto the support web in the well-known process of extrusion coating disclosed in column 5, line 25.

Regarding claim 19, note layers of copolymers in column 2, lines 19-50.

Response to Arguments

10. Applicant's arguments filed 06-18-2003 have been fully considered but they are not persuasive. Applicant asserts that inserting the limitation "offset" distinguishes the instant application over the prior art. It is believed that "offset" is a broad limitation, and does not distinguish the instant application over the prior art. Buttress shows the second cutter being offset from the first cutter when the second cutter engages the second side of the laminated web. "Offset" is interpreted as a distance between two objects. In figure 4 of Buttress, an "offset" is shown between the first and second cutters. However, in figure 5 there is no such "offset" because the cutters are touching. At the time when both cutters are engaging the web structure in Buttress, there is a distance between the cutters, and therefore are offset from one another. Furthermore, applicant asserts that the construction of Buttress does not allow a crack to be propagated due to the "chop" action of the cutters. It is believed that when fracturing any material there is crack propagation. Buttress clearly shows that the plaster board is divided into two separate pieces. When these two separate pieces are "chopped" there are cracks being propagated through the entire width of the board.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

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December 15, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700